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Larry M. Weil, Planning Director  
Steven Zimmer, Senior Planner  
Lisa Sankey, Assistant Planner

West Fargo Planning and Zoning Commission  
August 8, 2011 at 7:00 P.M.  
West Fargo City Hall

Members Present: Frank Lenzmeier  
Terry Potter  
Jason Gustofson  
Connie Carlsrud  
Tom McDougall  
Edward Sheeley

Members Absent: Jerry Beck

Others Present: Lisa Sankey, Steven Zimmer, Dustin Scott, Steve Iverson, Don Dabbert, Mark Richman, Michael Domitrovich, Lee Dobrinz, Mike Thorstad, Jerry Olson, Barb Opoien, Wade Swenson, David Wyum

The meeting was called to order by Chair Lenzmeier.

Commissioner McDougall made a motion to approve the July 11, 2011 meeting minutes as printed. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier indicated that item #11, A11-19 Oak Ridge 2<sup>nd</sup> Addition, Subdivision, Rezoning from Agricultural to R-3: Multiple Dwellings & Land Use Plan Amendment from General Commercial to High Density Residential for property in the NE¼ of Section, 29, T139N, R49W, City of West Fargo, North Dakota, which had been continued from the last meeting, was going to be moved to the front of the agenda.

He also indicated Commissioner Potter had a conflict of interest and was excusing himself from discussion.

Steven indicated that at the last meeting, the Commission continued this until the developer submitted additional information. The Developer has submitted a revised plat, area plan and a site/conceptual plan.

There were no public comments. The hearing was closed.

Chair Lenzmeier asked about the revised plat. Steven indicated the number of lots went from 4 to 3 to reflect the rearrangement of proposed buildings.

Commissioner Carlsrud asked if the buildings were two-story. Steven indicated three. Staff recommendations remain the same, to deny on the basis that the request is not consistent with the City's Comprehensive Plan.

Commissioner McDougall asked for clarification on the land use not being consistent. Steven indicated the plans show General Commercial for this area.

Commissioner Gustofson made a motion for approval. Motion died for lack of second.

Discussion was held regarding land use and access. Commissioner Carlsrud indicated she didn't feel the site was all that desirable for retail due to access issues. Commissioner McDougall indicated he agreed with the access issue; however, the City is attempting the concept of neighborhood commercial and finding a use to drive local traffic and not larger apartments might be more beneficial.

Commissioner Gustofson stated that it's unfortunate as they have a project ready to go, are ready to build and referred to vacant commercial properties in Eagle Run Plaza and along 13<sup>th</sup> Avenue.

Commissioner McDougall made a motion to deny the request. Commissioner Sheeley seconded the motion. Commissioners Carlsrud, Lenzmeier, Sheeley and McDougall voted aye. Commissioner Gustofson voted nay. Commissioner Potter abstained from voting. Motion to deny carried 4-1.

Chair Lenzmeier opened public hearing A11-22 Westport Beach 8<sup>th</sup> Addition, Replat & Minor PUD Modification of Lots 1-8, Block 1 of Westport Beach 4<sup>th</sup> Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The proposed subdivision, which was platted and zoned for twin homes in May of 2009, is located south of 40<sup>th</sup> Avenue West and west of 9<sup>th</sup> Street West. The applicant has submitted an application for a subdivision plat and a request for Planned Unit Development Modification. The applicant proposes to construct single family homes along private drives. The proposed development is consistent with the City's Land Use Plan which depicts the area as High Density Residential.

The applicant has submitted an Area Plan, Preliminary Plat, and Detailed Development Plans. The Area Plan shows twin home lots to the east, single family lots to the south, Sheyenne/Horace Diversion to the west, and townhouse style condominiums to the north.

The Preliminary Plat shows 6 lots connected along private roadways. This would be significantly less than if this area was developed into apartment buildings as originally planned. The site, elevation and floor plans are typical of the proposed development standards for the single family home development and vary in size. The site plan shows a typical front yard setback of 20' and a typical side yard setback of 5'. This seems to be appropriate for lots 2-5.

Lot 1 is shown with a 5' sideward setback from the private drive to the west side where there is currently a 15' public and private utility easement in place on the perimeter of this block that need to be placed on the plat and no building can be built over platted easements. Lot 6 is a corner lot abutting a public roadway and as per city ordinance must provide a 12' side yard on the east side of the property.

Access to the property would be off of 42<sup>nd</sup> Avenue West and 43<sup>rd</sup> Avenue West and would be served by private roadways throughout the development which essentially were established with the previous subdivision. The width of the private roadway is 20' with no on-street parking.

A drainage plan is required for this development. This subdivision is not required to provide for park dedication due to the fact that its park dedication requirements were met when it was originally platted. All subdivisions developed south of I-94 which benefit from the major sewer extension services installed through City financing are required to pay a utility hookup fee. The hookup fees for the Westport Beach development have already been paid.

Notices were sent to City Departments, the Post Office and utility companies.

Staff recommends approval with the following conditions:

1. Plat is arranged to incorporate appropriate side yard setbacks for lots 1 and 6.
2. An Attorney Title Opinion is received.
3. A certificate is received showing taxes are current.
4. A Final Plat is received showing the necessary easements.
5. A drainage plan is received and approved by the City Engineer and Public Works Director.
6. An outline is received for the anticipated schedule and sequence of construction for this subdivision.
7. A Subdivision Improvement Agreement is received including a provision for the developer to address development issues identified above and comply with all provisions of the Detailed Development Plans.

There were no comments from the public. The hearing was closed.

Discussion was held regarding revising the plat to realign the lot lines for Lots 1 & 2.

Commissioner McDougall made a motion for approval. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-23 Shadow Creek 2<sup>nd</sup> Addition, a Subdivision, Rezoning from A: Agricultural to R-1A: Single Family Dwellings & Land Use Plan Amendment from Medium Density Residential to Low Density Residential, property in the NW¼ Section 29, T139N, R49W, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The developer has submitted an Area Plan and Preliminary Plat as part of the development application. The Area Plan shows the location of the proposed subdivision relative to the surrounding area. Two smaller single family properties are located between the Sheyenne River and the proposed subdivision on the west side, the recently approved Shadow Creek 1<sup>st</sup> Addition to the south, Prairie Heights Community Church property to the east, and 32<sup>nd</sup> Avenue East and the Maple Ridge at the Preserve development to the north.

The City's Land Use Plan depicts the property as Medium Density Residential which provides for single family attached homes (townhouses, condominiums and apartments) with up to eight units per structure, and directly related complementary uses such as educational, religious and recreational facilities. Though the proposed single family land use would be of similar character to and complement the surrounding development, it is not consistent with the comprehensive plan policies and Land Use Plan as less of the medium density mix in housing would be developed in the area. The Comprehensive Plan promotes diversity in housing mix of single family and multiple family within each section of land throughout the City. Also, within the multiple family a mix of high density and medium density is promoted. A significant amount of high density apartments are being developed in Section 29 with very little medium density.

The Preliminary Plat consists of approximately ±9.64 acres of land which provides for development of 15 residential lots. The developer is requesting R-1A: Single Family Dwelling District zoning for the development. The street right-of-way for the south half of 32<sup>nd</sup> Avenue East is shown at 75' which meets the established right-of-way requirements for that arterial street. The rights-of-ways for 2<sup>nd</sup> Street East and 33<sup>rd</sup> Avenue East were platted with the Shadow Creek 1<sup>st</sup> Addition.

The plat shows Lot 1 of Block 1 along the river with the 100-foot Building Control Line for the City's riverbank stabilization setback. No structures, including roads, may be located within this setback unless a geotechnical study is conducted, at the expense of the developer, and determines the riverbank is stable enough to support such a structure.

A drainage plan is required for the development. The developer proposes regional storm retention areas for the development which will meet the retention standards. Two of the retention ponds for Section 29 are intended to be located in the Shadow Wood development to the southeast and are already designed.

Park dedication is required for the development. The required amount of park dedication is 10% of the gross area for the overall development. The developer proposes a cash payment in-lieu of land dedication. The staff has sent the subdivision plat to the Park District for their review and recommendations. By ordinance the Park District has 30 days to provide a recommendation. A pedestrian/bikeway path has been planned by the developers through the Shadow Wood and Shadow Creek developments. The Shadow Creek 1<sup>st</sup> Addition provided for the path through the park property which ends at 33<sup>rd</sup> Avenue East. A pedestrian/bikeway link through the proposed subdivision is needed to provide a connection to the future pedestrian/bikeway along 32<sup>nd</sup> Avenue East. A separate lot should be platted for the path and the path improvements should be included within the improvement district.

All subdivisions developed south of I-94 which benefit from the major sewer extension services installed through City financing are required to pay a utility hookup fee. Arrangements for payment need to be made prior to the subdivision plat being recorded.

Notices were sent to area property owners. The City also provided the proposed development plans to City departments, Park District, Post Office and Utility Companies. The Park District is still reviewing the subdivision and likely will not have a recommendation prior to the Planning and Zoning Commission meeting. The Post Office has indicated that the mode of delivery will be Cluster Box Units (CBU), so the developer will need to work with the Post Office and City to site the location of the units throughout the development. Additionally, necessary easements need to be shown on the Final Plat.

Provided the Land Use Plan is amended from Medium Density Residential to Low Density Residential, the subdivision plat and rezoning request would be consistent with City plans and ordinances. It is recommended that the application is conditionally approved subject to the following conditions:

1. The Land Use Plan is amended from Medium Density Residential to Low Density Residential.
2. An Attorney Title Opinion is received.
3. A certificate of taxes showing taxes being current is received.
4. A Drainage Plan is received and approved by the City Engineer.
5. A Final Plat is received with any necessary utility easements.
6. The Final Plat is not approved until the City receives recommendations from the Park District, as well as a park dedication agreement.
7. The developer provides a lot for connectivity of the development pedestrian/bikeway path to the future 32<sup>nd</sup> Avenue pedestrian/bikeway and the path is included within the improvement district improvements.
8. The required utility hook-up fee is adequately addressed.
9. A CBU location plan is reviewed and approved by the Post Office and City.
10. A Subdivision Improvement Agreement is received.
11. Restrictive covenants are received if applicable.

Barb Opoien, 119 32<sup>nd</sup> Avenue East, asked about getting her property hooked into City sewer. Dustin Scott indicated he hasn't looked into this; however the City Engineer and Public Works Director have had previous discussions about it. He suggested she come to the engineering office to discuss this. He stated that she must make a formal request for City Services, which would either run along 32<sup>nd</sup> Avenue or through the developer's property via an easement.

Ms. Opoien also asked how the development would affect the existing trees. Dustin indicated only the ones within the 62' of right-of-way would be affected. The others would remain until the individual lots are developed.

Commissioner Sheeley asked about lot connectivity for bikeways under item #7. Mr. Dabbert stated that he will discuss this with the Park Superintendent. It will most likely be Lots 2, 3 or 4 to connect with the Shadow Creek Park.

There were no other public comments. The hearing was closed.

Commissioner Sheeley made a motion for approval based on staff recommendations. Commissioner McDougall seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-24 Planned Unit Development Amendment for chemical distribution facility on Lots 16-18, Block 1 of Knutson's 1<sup>st</sup> Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located on West Main Avenue, west of 21<sup>st</sup> Street West and north of the I-94 on ramps. The original subdivision and existing zoning was approved in May 1997. The property was intended for commercial and light industrial uses. The original PUD agreement does not allow chemical or bulk products storage. A PUD Amendment is required if such use is to be allowed in this development. The proposed development plan is consistent with City Plans and Ordinances.

The applicant proposes to develop the site with a chemical storage and distribution facility. The development is affected by the PUD District, CO-R District and CO-I District. Where standards differ in the various districts, the most stringent provision applies. A copy of the applicable standards for the development is incorporated within the staff report.

The applicant has submitted a site plan showing 22,500 ft<sup>2</sup> building with storage/warehousing, loading docks and office space. According to the site plan the building as proposed meets setback standards as stated in the original PUD standards. The PUD standards state that only one access per use is allowed in this development and the site plan shows two accesses off of the frontage road. The plan should be redrawn to show the placement of the access or get the written approval from the land owner to allow the PUD to be amended to allow multiple accesses per use.

Property owners within 150' were notified regarding the request and no comments have been received. City Departments have been notified and staff received two comments. The Building Administrator and Fire Department stated they would

need to see MSD (material safety data) sheets and quantities for chemicals that will be stored in the building before a building permit could be approved.

Staff recommends conditional approval of this application based on its consistency with City Plans and ordinances with the following conditions:

1. Site plan is changed and resubmitted showing a single access point or share accesses with the adjacent properties.
2. Elevation plans are submitted showing exterior finish for south side of building.
3. MSD sheets are submitted to the Building and Fire Departments for review.

There were no comments from the public. The hearing was closed.

Applicant Mark Richman stated that they would like to keep two accesses or develop a shared access as development occurs to the west. Steven stated that staff doesn't have a problem with more than one access; however, this was a condition that was placed on the subdivision by the original developer. There would need to be a separate application to amend the Planned Unit Development allowing for additional accesses.

Commissioner Gustofson asked when the rules came into effect? Steven stated that the original development was approved in 1997 with an amendment in 2006. Discussion was held regarding the original developer.

Commissioner Gustofson made a motion for approval based on staff recommendations. Commissioner Sheeley seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-25 Prairie Heights 1<sup>st</sup> Addition, a Subdivision & Rezoning from A: Agricultural to R-1: One and Two Family Dwellings and R-2: Limited Multiple Dwellings property in the NW¼ Section 29, T139N, R49W, West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located east of the Sheyenne River on the south side of 32<sup>nd</sup> Avenue East and west of 4<sup>th</sup> Street East. The area was annexed into the City in 2005. The applicant proposes developing a church, single family homes and some medium density residential. The proposed use is consistent with City Plans and Ordinances. In September a conditional use permit was approved allowing for a religious institution on the property, provided the parcel was platted within 12 months.

The applicant is currently constructing a church facility on the property. The applicant had submitted a one-lot subdivision plat for the church facility earlier this year, but has initiated a new application which includes single family lots and medium density multiple family lots. The Land Use Plan of the Comprehensive Plan depicts the property as Medium Density Residential which can accommodate structures up to eight units. The City may consider 12-unit structures where creative and exemplary design considerations are given. The density is up to 16 units per acre of lot area. The zoning for the property is Agricultural which provides for churches as a conditional use. Recently a Conditional Use Permit was approved for the facility being constructed.

The preliminary plat consists of a 16.25 acre parcel intended for the church facility, 20 single family lots and four medium density residential lots. The single family lots exceed the lot requirements for the requested R-1: One and Two-Family Dwelling zoning. The medium density lots are being zoned R-2: Limited Multiple Dwellings.

The plat includes right-of-way dedications for 32<sup>nd</sup> Avenue East and 33<sup>rd</sup> Avenue East. The right-of-way for the south half of 32<sup>nd</sup> Avenue East is shown as 75' which meets the right-of-way requirements for that arterial street. The right-of-way for 33<sup>rd</sup> Avenue East is shown as 70' which is adequate. Rights-of-ways for 2<sup>nd</sup> Street East, 4<sup>th</sup> Street East, and 34<sup>th</sup> Avenue East were dedicated as part of the Shadow Creek 1<sup>st</sup> Addition and Shadow Wood 5<sup>th</sup> Addition. The preliminary plat shows Prairie Heights Drive as a private access easement connecting 33<sup>rd</sup> Avenue East with 34<sup>th</sup> Avenue East. If addresses are to be attached to the private drive, it would be appropriate to plat it as a lot and name it Prairie Heights Way. If the lots are addressed to 4<sup>th</sup> Street East, the drive can remain simply as an access easement. "No Parking" signs should be installed by the developer on either side of the access easement to ensure that emergency services can access the properties at all times.

The applicant requested access to 32<sup>nd</sup> Avenue with the Conditional Use Permit request which was approved with conditions.

An agreement spelling out the conditions and restrictions of access approval needs to be signed. Access control for the street should be placed on the plat.

A drainage plan is required for the subdivision which will be reviewed and approved by the City Engineer. Park dedication is required for the development. The required amount of park dedication for residential development is 10% of the gross area which would amount to approximately 3.1 acres of land or the equivalent value in cash-in-lieu of land dedication. The Park District has indicated that they are recommending cash-in-lieu of land dedication.

Sewer and water services are in the process of being extended to the property. A special improvement district has been established to provide for the needed services. All subdivisions developed south of I-94 which benefit from the major sewer extension services installed through City financing are required to pay a utility hookup fee. Arrangements for payment need to be made prior to the subdivision plat being recorded.

Notices were sent to area property owners, and proposed development plans were also sent to City departments, Park District, Post Office and Utility Companies. There was concern from a developer to the south and west regarding the R-1 Zoning; however, the lot sizes are similar in size. The side yard setback is one foot less than that for the R-1A District.

It is recommended to conditionally approve the Subdivision Plat based on the application's consistency with City plans and ordinances. The conditions of approval are as follows:

1. Departmental comments are taken into consideration.
2. An Attorney Title Opinion is received.
3. A certificate of taxes showing taxes being current is received.
4. A Drainage Plan is received and approved by the City Engineer.
5. A Final Plat with any necessary easements is received.
6. The required utility hook-up fee is adequately addressed.
7. A park dedication agreement is received.
8. A subdivision improvement agreement is received.
9. 32<sup>nd</sup> Avenue East access agreement is received.

Applicant Michael Domitrovich indicated he was available to answer any questions. He feels that their lots are consistent with Mr. Dabbert's.

There were no other comments from the public. The hearing was closed.

Chair Lenzmeier asked Steven to point out on the area plan this site in relation to Oakridge 2<sup>nd</sup> and asked what the difference between the properties is. Steven indicated that the land use plan for Prairie Heights is Medium Density, which is what the developer is showing. The Oak Ridge property to the east is shown as being General Commercial on the Land Use Plan and the developer proposed High Density Residential. Discussion was held regarding the land use plan for the area.

Chair Lenzmeier asked about Park Dedication and if there wasn't getting to be too much cash-in-lieu instead of land. Steven indicated that the Park District has a plan with a larger regional park – Rendezvous Park with the cash-in-lieu helping to make bond payments. Mr. Domitrovich indicated they originally proposed creating a playground for handicapped children for their park dedication; however, the park district prefers cash-in-lieu. They're hoping to meet with City and Park District staff in the next week or so to discuss their park dedication. He stated that he's concerned these neighborhoods are losing out on some great neighborhood facilities.

Commissioner Gustofson asked what is being proposed for Lots 1-4. Steven stated that the R-2 zoning allows for 8 units per acre. Discussion was held regarding zoning vs. land use density. Steven stated that in terms of density, the largest size structure that could be built would be a 12 unit structure with high construction standards.

Commissioner McDougall made a motion for approval based on staff recommendations. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-26 Lake Crest, 1<sup>st</sup> Addition, Replat, Rezoning from P: Public Facilities to PUD: Planned Unit Development Amendment & Land Use Plan Amendment from Utility/Transportation to High Density

Residential, Lot 2, Block 2 of Eagle Run 12<sup>th</sup> Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property, which is located west of Sheyenne Street (Cass County Highway #17) and north of 32<sup>nd</sup> Avenue West, was platted and zoned in November of 2004 as part of Eagle Run 12<sup>th</sup> Addition. The applicant proposes to subdivide the lot for purchase from the City to develop clubhouse/health club and playground as an amenity for apartment buildings to the north. The proposed subdivision and use is not consistent with City plans and ordinances and therefore a land use plan amendment from Utility/Transportation to High Density Residential is being request.

The developer submitted an area plan, preliminary plat, site and elevation plans. The preliminary plat shows Lot 1 as a 32,800 ft<sup>2</sup> lot proposed for the clubhouse/health club and playground facility. Lot 2 consists of a 237,573 ft<sup>2</sup> lot which would remain owned by the City and used for storm retention ponds. The clubhouse building is shown on the site plan as a 4,176 ft<sup>2</sup> building with a fitness room, a party room with kitchen, Wi-Fi lounge and men's and women's bathrooms. Elevations show vertical siding, block, and shake style siding. The site plan also shows a 2,000 ft<sup>2</sup> playground area.

The retention ponds are being redesigned by the City Engineer and will be required to be placed on the plat, along with all easements, prior to final plat approval. The street rights-of-way were provided for in the original subdivision plat. Park dedication was taken care of with the original subdivision plat.

Notices were sent to area property owners, City departments, Park District, Utility Companies and Post Office and no comments have been received.

Staff recommends approval with the following conditions:

1. An Attorney Title Opinion is received.
2. A revised drainage plan is received and approved by the City Engineer and Public Works Director.
3. A certificate is received showing taxes are current.
4. Retention pond and associated easements are placed on the Final Plat.
5. Utility easements are placed on Final Plat.
6. A subdivision improvement agreement is received.

Mr. Domitrovich asked commissioners if they had a copy of the area plan and elevations. He stated that the apartment complex to the north has no amenities and they were looking for additional land. The City Commission was willing to sell some land to the south.

There were no other public comments. The hearing was closed.

Commissioner Gustofson asked about the square shown on the plans between the two retention ponds. Mr. Domitrovich stated that it's a pad site for high tension electrical cables.

Commissioner McDougall asked if the retention ponds are currently there now. Dustin stated yes. Commissioner McDougall asked if the clubhouse would be private and only for the apartment complex to the north. Mr. Domitrovich stated yes.

Chair Lenzmeier asked with the redesign of the retention ponds and construction of the building, if there would be a need for more retention. Dustin stated that there will be an increase in impervious surface, but should be very minimal.

Commissioner McDougall made a motion for approval based on staff recommendations. Commissioner Carlsrud seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-27 Planned Unit Development Amendment for expansion of office space and parking at 925 10<sup>th</sup> Avenue East (Lot 2, Block 1 of Dakota Territory 10<sup>th</sup> Addition, City of West Fargo, North Dakota).

Steven reviewed the following information from the staff report:

The property is located on the southeast corner of 10<sup>th</sup> Avenue East and 9<sup>th</sup> Street East. In 2007 a Planned Unit Development Amendment was approved for construction of professional office space for an engineering company.

The request is for expansion of an office building and parking lot for an engineering firm. Detailed Development Plans, including site and elevation plans were submitted showing a ±8,099 ft<sup>2</sup> office building addition to the north side of the building and a parking lot to the south, consisting of 65 parking spaces.

This property is located within the CO-R: Corridor Redevelopment District which requires a higher standard of building construction and site design. The building addition must be constructed with no more than 30% of the wall facing material being metal or fiberglass. The plans submitted show that this building will meet all CO-R District requirements. The elevation plans show a 20' tall building being faced with brick, glass, and architectural horizontal ribbed metal panel, which well exceeds the city's requirement of 70% non-metal or fiberglass materials. The building will be set back 26 ft from the west lot line, 9<sup>th</sup> St E, and 25' from the north property line, 10<sup>th</sup> Ave E. Both exceed the CO-R requirements.

The parking lot setbacks all meet CO-R requirements. The city has allowed a reduction of parking for the original project due to the number of employees and clients visiting were shown to be less than the requirement. They have submitted a request for reduction in parking for this portion as well with a detailed breakdown of the reasoning behind the request. The required parking as per our ordinances would amount to 232 spaces. The amount that would be provided if the request was granted is 210 spaces.

Notices with maps were sent to City Departments and property owners within 150' and no comments were received.

Staff recommends approval.

Architect Lee Dobrinz indicated he was available to answer any questions.

There were no comments from the public. The hearing was closed.

Commissioner Gustofson made a motion for approval. Commissioner McDougall seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A11-28 Conditional Use Permit for an addition onto single family dwelling in an agricultural district at 320 52<sup>nd</sup> Avenue West (Property in the SE¼ of Section 31, T139N, R49W), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property is located west of Sheyenne Street on the north side of 52<sup>nd</sup> Avenue West. The use (single family) has been in existence for some time and is considered a conditional use within the Agricultural District. The applicant's single family dwelling and proposed addition are consistent with City plans and Ordinances.

The property has been developed as a rural residential use for a number of years. A site plan was submitted showing the existing property with a proposed 30' x 40' (1,200 ft<sup>2</sup>) addition onto the home. The property meets the minimum lot size of one acre under the Agricultural Zoning District for existing properties. The addition would be about 30' from the east side lot line. The setback from the proposed house addition to the front property line is ±500'. All setbacks appear to be adequate.

Notices were sent to adjacent property owners within 350' and City departments for review and comment. No comments have been received.

Staff recommends approval.

Wade Swenson indicated he is marrying Mr. Martin's daughter and need additional bedroom space for their children. They'll have a 7-bedroom house with the addition.

There were no comments from the public. The hearing was closed.



Commissioner Sheeley made a motion for approval. Commissioner Gustofson seconded the motion. No opposition. Motion carried.

The next item on the agenda was A11-29 Simple Lot Split of Lot 12, Block 1 of Kost 2<sup>nd</sup> Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The applicant has submitted an application for a Simple Lot Split and a survey of the propose lot split with new legal descriptions. After the split Tract A would be 8,963 ft<sup>2</sup> and Tract B would be 19,106 ft<sup>2</sup> which would exceed the minimum lot area requirements for each of the lots. The simple lot split meets the conditions to not require a subdivision replat according to the subdivision ordinance.

Property owners within 150', City Departments and utility companies were notified.

Staff recommends approval with the following condition:

1. The newly created lots (tracts) are joined to the existing lots and filed with the deed of both lots 1 and 2 of Kost First Addition and verification provided to the City.

Commissioner McDougall made a motion for approval based on staff recommendations. Commissioner Sheeley seconded the motion. No opposition. Motion carried.

The next item on the agenda was the NDPA Conference in Devil's Lake September 28<sup>th</sup> – 30<sup>th</sup>.

Commissioner McDougall made a motion to adjourn. Meeting adjourned.